

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

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MATTHEW MACSWAN,

Plaintiff,

VS.

RETRIEVAL MASTERS CREDITORS
BUREAU, INC.,

Defendant.

2:14-cv-02185-RFB-VCF

**REPORT AND RECOMMENDATION TO
GRANT IN PART AND DENY IN PART
MOTION TO ENFORCE SETTLEMENT
(#12)**

On February 22, 2015, defendant served plaintiff, by mail and pursuant to Fed. R. Civ. P. 68, with an Offer of Judgment (“OOJ”) (#10, pp. 4-5). The first numbered paragraph of the OOJ offered sums certain for two different categories of damages, totaling \$1,100.01. The second numbered paragraph offered, “reasonable attorney’s fees and costs incurred by Plaintiff in prosecuting the claims alleged in Plaintiff’s Complaint, pursuant to 15 U.S.C. §1692k(a)(3), as agreed by the parties, and, [sic] in the event no agreement can be reached, as to be determined by the Court.”

On March 3, 2015, defendant filed an acceptance (#10) of the Offer of Judgment, attaching the offer as exhibit 1, a copy of the offer, and as exhibit 2 an invoice detailing “reasonable attorney fees in the amount of \$5,432.50 and costs incurred in the amount of \$457.00 . . .” *id.*

On that same date the Clerk of Court entered judgment in this case in favor of plaintiff and against defendant in the total amount of \$6,890.51. (#11).

On May 20, 2015, the court held a hearing and heard argument on defendant's Motion to Enforce Settlement Agreement or, in the alternative, to Correct or Vacate the Judgment Concerning Attorneys' Fees (#12). At the conclusion of the hearing, the parties agreed on the record that this motion should be

1 resolved by reducing the total amount of the judgment in favor of the plaintiff and against the defendant
2 in this case from \$6,890.51 to \$6,000.00.

3 Good Cause Appearing, for the reasons discussed during the hearing and pursuant to the stipulation
4 of the parties,

5 IT IS HEREBY RECOMMENDED that an amended judgment be entered in this case, decreeing
6 that Plaintiff, Matthew MacSwan, shall recover from Defendant, Retrieval Masters Creditors Bureau, Inc.,
7 judgment in the amount of \$6,000.00, inclusive of all costs and attorneys' fees.

8 DATED this 20th day of May, 2015.



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11 CAM FERENBACH
12 UNITED STATES MAGISTRATE JUDGE
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